

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

<b>DAYS INN WORLDWIDE, INC.,</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No. 10-4689 (KSH)</b>
	:	
<b>FERGUS FALLS HOSPITALITY CORP.,</b>	:	<b>REPORT &amp; RECOMMENDATION</b>
<b>et al.,</b>	:	
<b>Defendants</b>	:	

This matter having come before the Court for a Rule 16 conference on January 19, 2011;  
and the defendants having received notice of the conference;  
and the defendants having failed to appear at the conference;  
and the Court having notified the defendants by way of Order dated January 3, 2011, that  
if they failed to appear at the January 19, 2011 conference, then the Court would issue a  
recommendation to the United States District Judge, pursuant to Fed. R. Civ. P. 16 and/or 41,  
that Her Honor strike their Answer and allow the plaintiff to request the entry of default;

and the defendants having failed to appear despite notice of the consequences of their  
nonappearance;

and for the reasons set forth in the Opinion delivered on the record on January 19, 2011;

IT IS on this 19<sup>th</sup> day of January, 2011

RECOMMENDED that the United States District Judge strike the defendants' Answers<sup>1</sup>;

ORDERED that if the Answers are struck, then the plaintiff shall move for a Clerk's  
entry of default and file a motion for the entry of default judgment;

IT IS FURTHER ORDERED that defendant's counsel shall provide a copy of this Order

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<sup>1</sup>The parties have fourteen (14) days from receipt of this Recommendation to file and  
serve objections.

to the defendants by regular mail, certified mail/return receipt requested, email (if available), and fax (if available); and

IT IS FURTHER ORDERED that the Clerk shall mail a copy of this Order to the defendants.

**s/Patty Shwartz**  
**United States Magistrate Judge**